

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION AT MEMPHIS

FILED BY JF D.C.
05 SEP -8 PM 3: 02

TERESA BYFORD BALLARD,
Individually and as the surviving
spouse and personal representative
of Timothy Ballard, deceased

Plaintiff,

V.

DOCKET NO. 04-3025 MI V

INTERPLANE spol s.r.o. a foreign
corporation
INTERPLANE, LLC, a Florida
limited liability company, and
RALPH MANDARINO, Individually and
d/b/a, Interplane, LLC.

Defendants.

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

SCHEDULING ORDER

The following scheduling order was submitted by consent of the parties. Michael B. Neal
counsel for plaintiff, and Alan Farkas, counsel for defendants participated in the preparation of
this proposed order. The following dates are established as the final dates for:

INITIAL DISCLOSURES PURSUANT TO Fed.R.Civ.P. 26(a)(1):

Initial disclosures have been made. Photocopies of documents are being made and
shipped in the next two weeks and the physical evidence referred to is available for
examination upon reasonable request in Tipton County Tennessee.

JOINING PARTIES: November 8, 2005.

AMENDING PLEADINGS: November 8, 2005

INITIAL MOTIONS TO DISMISS: Motion for summary judgment has been filed by the
defendant Ralph Mandarino. No other initial Motions to Dismiss are contemplated, however, in
any event such motions will be filed on or before October 15, 2005..

COMPLETING ALL DISCOVERY: Ninety days after the court rules on the motion for summary judgment filed by Ralph Mandarino previously filed in this matter..

- (a) DOCUMENT PRODUCTION: Sixty days after the Court rules on the Motion for Summary Judgment filed by Ralph Mandarino.
- (b) DEPOSITIONS, INTERROGATORIES AND REQUESTS FOR ADMISSIONS: Same as the document production deadline.
- (c) EXPERT WITNESS DISCLOSURE (Rule 26):
 - (1) DISCLOSURE OF PLAINTIFF'S RULE 26 EXPERT INFORMATION: Sixty days after the Court's ruling on the Summary Judgment motion filed by Ralph Mandarino.
 - (2) DISCLOSURE OF DEFENDANT'S RULE 26 EXPERT INFORMATION: Sixty days after the disclosure of plaintiff's rule 26 experts.
 - (3) EXPERT WITNESS DEPOSITIONS: Within thirty days after the defendant discloses expert witnesses as reflected in paragraph (c)(1) above the Defendants may depose plaintiff's Rule 26 experts. Plaintiff may depose Defendant's Rule 26 expert witnesses within 30 days after defendants disclosure of such witnesses.

FILING DISPOSITIVE MOTIONS: Thirty days after the deadline for depositions of defendant's expert witnesses..

OTHER RELEVANT MATTERS: Plaintiff will respond to Ralph Mandarinos' motion for summary judgment by January 3, 2006. Leave of Court is allowed for Ralph Mandarino to file a reply to the Response to Motion for Summary Judgment by February 6, 2006.

No depositions may be scheduled to occur after the discovery cutoff date. All motions, requests for admissions, or other filings that require a response must be filed sufficiently in advance of the discovery cutoff date to enable opposing counsel to respond by the time permitted by the Rules prior to that date.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or the service of the response, answer, or objection, which is the subject of the motion, if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or the objection to the default, response, answer, or objection shall be waived.

This case is set for jury trial and the trial is expected to last seven day(s). The pretrial order date, pretrial conference date, and trial date will be set by the presiding judge.

This case is appropriate for ADR. The parties are directed to engage in court-annexed attorney mediation or private mediation after the close of discovery.

The parties are reminded that pursuant to Local Rule 11(a)(1)(A), all motions, except motions pursuant to Fed. R. Civ. P. 12, 56, 59, and 60 shall be accompanied by a proposed order.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. Leave of Court is granted for Ralph Mandarino to file a reply to the response of Plaintiff's to Ralph Mandarino's Motion for Summary Judgment. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

The parties have not consented to trial before the magistrate judge.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this order will not be modified or extended.

IT IS SO ORDERED.



DIANE K. VESCOVO
UNITED STATES MAGISTRATE JUDGE

DATE: September 7, 2005



Notice of Distribution

This notice confirms a copy of the document docketed as number 27 in case 2:04-CV-03025 was distributed by fax, mail, or direct printing on September 8, 2005 to the parties listed.

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Honorable Jon McCalla
US DISTRICT COURT